

Ninfield Neighbourhood Plan Regulation 16 Consultation- Response from Wealden District Council

Many of our comments raised at the Regulation 14 consultation have been addressed in the current iteration. However, there remain areas of concern around the methodology and assessment of the Key Views and non-designated heritage assets, and some of the proposed designations in the Local Green Space Policy.

Structure

We made comments at the Regulation 14 Stage regarding the length of the contents pages and the structure of the document, namely that some of the chapter titles and groupings could work better and that some of the chapters could be combined. The contents page has now been condensed. However, all the chapter numbers have been removed which makes it quite difficult to navigate and to differentiate between chapters and sub-headings. For ease of use by all users we suggest for the chapter numbers to be added.

It is also noted that the policy boxes are different colours. We would suggest for them to all be one colour to make it easier for them to be identified.

Justification for each policy

We commented at the Regulation 14 stage that the justification for each policy needs to include any background document relevant to the policy that provides support/justification for the policy's inclusion. However, this has not been carried out. Sometimes the policies just list the community questionnaire results when there is other evidence available. For example;

- Policy N4 Dark Night Skies does not refer to the dark sky readings carried out.
- Policy N5 Key Views does not refer to the Key Views Assessment in Appendix E.
- Policy N7 Local Green Spaces does not refer to the Local Green Space Report.
- Policy N9 Built Heritage does not refer to Appendix C.
- Policy N10 Design does not refer to the Character Assessment or the Ninfield Design Guide.

Again, we consider that it would be useful to all users of the neighbourhood plan for this to be added.

Foreword

In paragraph 3 it refers to the Wealden Five Year Housing Land Supply Statement April 2021. However, the Council stated in our Regulation 14 comments, this is not the most up to date document or figure. The Five-Year Housing Land Supply Statement of 1st April 2022 calculates a housing requirement for Wealden of 1,212 dwellings per annum. This figure has been updated and the most recent unpublished figure is 1,200 dwellings. Also, the HDT measurement was 82% in 2021, not 83% as is stated. The HDT figure for 2022 has not been published by government yet.

In paragraph 5, it states that the allocations from the 2019 withdrawn plan are being implemented. This is misleading and factually incorrect. It would be correct to say that 'Many of the sites proposed for allocation as part of the withdrawn 2019 Local Plan have now come forward prior to a new Local Plan being in place'.

In paragraph 8, it is unclear where the district figure of 6.3 has come from and as we outline above, the most recent published housing requirement figure for Wealden is 1,212 dwellings per annum (dpa) and the current unpublished figure is 1,200 dpa. Most of the parish is in the Low Weald, outside of the AONB and in terms of our future growth strategy, we have to consider constraints across the whole district, and it is unlikely growth will be proportionate to settlement size. In consideration that the Ninfield Neighbourhood Plan will form part of the Wealden Development Plan if 'made' (adopted), then this paragraph is misleading and should either be updated to reflect the true position or removed.

In paragraph 9 it states that 'the position is much too uncertain for the Ninfield NDP to include housing allocations'. This is untrue. Neighbourhood Plans can allocate if they wish to do so, no matter the current position of a local plan. The last sentence of paragraph 9 is derogatory in consideration that the plan will form part of the development plan for Wealden and could be drafted more positively.

Introduction

Paragraph 10 refers to the Sustainability Appraisal Scoping Report of 2020 but there has since been a consultation on a revised Draft Sustainability Appraisal Scoping Report which ran between 26th June 2023 and 7th August 2023.

Policy N1: Sustainable Location of Development

Wording of the Policy

At the Regulation 14 stage, the Council commented that the last part of the first sentence 'minimise loss of countryside its biodiversity' did not make sense. The word biodiversity has been removed however it is still not clear what 'minimise the loss of countryside' means. Is it referring to density i.e. ensuring land take is minimised or is it referring to restricting development? This should be further clarified in order for the policy to be applied correctly.

In the second paragraph it states that within the development boundary development will, in principle, be supported 'subject to the other policies of this neighbourhood plan' It will also be subject to policies in the adopted Local plan also. Should this say 'Development Plan' instead?

At the Regulation 14 stage, the Council suggested that the second part of this policy needs to justify what type of development is in principle acceptable outside the development boundary, either by listing each circumstance or referring to which part of the NPPF and Wealden Local Plan it should comply with. This has not been carried out. As it is currently drafted this part of the policy provides nothing above the current policy framework that already exists.

The Council also queried the use of the phrase 'needs a countryside location', as this may unduly restrict sustainable development in such rural locations. It is also not clear how this would be defined.

Recommendation: Wording of the policy needs to be considered or updated.

The first paragraph or supporting text needs further explanation as to what is meant by loss of countryside.

In the second paragraph replace Neighbourhood Plan with Development Plan.

Either remove paragraph 3 of the policy or remove the phrase 'needs a countryside location in terms of' and change 'meeting' to 'meets' at paragraph 3 of the policy and add further detail.

Ensure that the NPPF references in the justification also cover the sections that relate to rural economic development (e.g. paragraphs 84 and 85).

Policy N2: Renewable Energy

Wording of the Policy

There is duplication of the word renewable.

The first bullet point could be clearer.

Recommendation: Remove the word renewable that has already been crossed out.

Remove 'to their setting having regard to its character and sensitivity' and replace with 'having regard to landscape character, sensitivity and the setting of the landscape'.

Policy N3: Flood Risk and Drainage

Wording of the policy

Does ground test mean infiltration test? If so, the wording could be changed to reflect this. Apart from this, we have no further comments to make on this policy.

Recommendation: Replace 'ground test' with 'infiltration test'.

Policy N4: Protect and Enhance Dark Night Skies

No comment. Our comments made at the Regulation 14 stage have been addressed.

Landscape Character Areas within Ninfield Parish Section.

The Council commented upon the Landscape Character Areas at the Regulation 14 stage, stating that this is repeating what is in the Design Guide and the Landscape

Study. It is considered that the plan could be made more succinct by removing them and simply referring to the other documents. This has not been carried out.

Policy N5: Key Views and Appendix E.

Wording of the Policy

The policy now refers to the Policies Maps but does not state where this is within the NDP (appendix G?). Figure 6 above the policy wording appears to be a clearer map but is not referred to at all. It is also mapped at appendix E, which is mentioned within the policy.

At the Regulation 14 consultation the Council suggested changes to the wording of this policy, some of which have been carried out but not all. At Regulation 14 we suggested the policy needs to be more specific and explain where the landscape character of a key view is defined e.g. 'development proposals which would result in an adverse impact on the landscape character of a key view as defined in the Ninfield Key Views Assessment will not be supported'. Whilst a sentence has been added in at the start of the policy that refers to the Key Views Assessment, the policy still does not refer to where the landscape character of the key views is defined. It is still considered that within the policy, it is necessary to be explicit as to where the landscape character is defined so that applicants and decision makers are able to understand whether a scheme would have a negative impact upon it.

In our Regulation 14 comments we also suggested changing the wording and using term either 'adverse' or 'negative' in the last sentence, but both have been used when they have the same meaning.

Recommendation: Remove reference to the policies map and replace with Figure 6 – Map of Key Views.

Second sentence- a word needs to be added into the policy text "Where development proposals are acceptable in principle within these Key Views, these **development** should be sited, designed and landscaped to be in harmony with and conserve the characteristic features and visual quality of the landscape'.

The policy itself could be rephrased to provide clarification about where landscape character is defined and removing the duplication highlighted above e.g. 'development proposals which would result in an adverse ~~or negative~~ impact on the landscape character or visual quality of a Key View **as defined in the Ninfield Key Views Assessment** will not be supported'.

General Points

It is considered by the Council that the methodology behind the assessment of views in Appendix E needs further explanation. For example, how were the views nominated and whether the residents were involved in this? Also, it states that there were views that were considered, but that did not meet the criteria; we would still expect to see the assessment of these views. It is still unclear who carried out the assessment.

In Appendix E, there is a heading 'the criteria for the identification of key views'. Two criteria have been identified that are below.

1. That the views should be public rather than private views; and
2. The views need to make a recognisable contribution to the local sense of place and its distinctiveness.

It is still not clear how these criteria were arrived at. There has been an attempt at defining potential indicators of value underneath, but they are not very defined. For example, it states 'potential indicators' and 'they **could** include'. It is considered that criteria on 2a-d could be broken down further to create a system for scoring the views and defining the thresholds for determining what is a key or significant view. Within the description of each view, it should be clear how the view meets the criteria. Therefore, the criteria and thresholds for meeting the criteria need to be clear and definite from the outset.

As commented upon at the Regulation 14 consultation, it is very difficult for the Council to comment on each individual view and whether it meets the threshold for being deemed a key view when there is no explanation of what the thresholds are, i.e. what makes a key view as opposed to just a view. There is a clear differentiation in the importance of the different views, but this is not picked up in the analysis apart from one reference to the most important views being panoramic but then this is not explained further. An example of an assessment of views with a rating system is in the [Assessment of Important Views in Pebworth Parish](#) where views were assessed and only those that were deemed special or exceptional were carried forward to the neighbourhood plan.

A scoring system or explanation of the thresholds required to meet the criteria that define a key view would have allowed only the key views to be taken forward. We did state at the Regulation 14 stage that we would be happy to consider the proposed key views further when the information is available to us, ahead of your Regulation 16 stage, however this has not been provided.

Despite the issues with the methodology, we have briefly commented on each of the views below.

View Number	Comment
V1	Stunning panoramic views towards the South Downs.
V2	Very similar to view 1.
V3	Very similar to views 1 and 2.
V4	This view needs further justification against the criteria as to why this is a key view. At the moment because of our comments above in regards to the methodology, it is difficult for us to reach a firm conclusion as to whether this is a key view.

View Number	Comment
	The justification states that 'it warrants protection from development, hence its inclusion in a proposed LGS'. This is not a reason for designation as a LGS or as a key view and should be removed.
V5	Shows an undulating view, but not a long ranging or panoramic view. No historic value but does show ridge top village. This view needs further justification against the criteria as to why this is a key view. At the moment because of our comments above as regards the methodology, it is difficult for us to reach a firm conclusion as to whether this is a key view.
V6	Perhaps a better view than V5, showing the ridge top village. Shows an undulating view but not a long ranging or panoramic view. This view needs further justification against the criteria as to why this is a key view. At the moment because of our comments above as regards the methodology, it is difficult for us to reach a firm conclusion as to whether this is a key view.
V7	Panoramic views to the South Downs and the sea. Shows the undulating landscape.
V8	Difficult to access from a public location. Only limited views from public verge. Map could be bigger to allow road and property names to be read.
V9	Would query why this view was chosen when there are others from this viewpoint, which are panoramic. This view needs further justification against the criteria as to why this is a key view. At the moment because of our comments above as regards the methodology, it is difficult for us to reach a firm conclusion as to whether this is a key view.
V10	Views over the AONB landscape.
V11	Panoramic view over AONB landscape. Map could be bigger to allow road and property names to be read.
V12	Shows the ridge top setting of the village in the landscape.
V13	Similar to V12.
V14	<p>The view is across two proposed Local Green Spaces. Whilst there is an historic element, is this view comparable to others in the parish?</p> <p>This view needs further justification against the criteria as to why this is a key view. At the moment because of our</p>

View Number	Comment
	comments above as regards the methodology, it is difficult for us to reach a firm conclusion as to whether this is a key view.
V15	The heritage assets are largely obscured by trees. Does this meet the threshold of a key view? This view needs further justification against the criteria as to why this is a key view. At the moment because of our comments above as regards the methodology, it is difficult for us to reach a firm conclusion as to whether this is a key view.
V16	There are views to ridgetop development, but only a glimpse and quite a short view. Equestrian uses and associated paraphernalia dominate. This view meets some of the criteria and indicators of value listed, however, we are unable to comment further given the issues raised in regards to the methodology. Overall we would question whether this is a key view.
V17	<p>View across the valley. It is notable that this view is across a SHELAA site. Would be difficult for pedestrians to access this view as no formal footpath along the road. Drivers would only get a fleeting view as they pass the gateway and gap in hedge. In the justification it states that the view warrants protection from unsympathetic development. This is not a reason for designation as a key view and should be removed from the justification/description.</p> <p>This view needs further justification against the criteria as to why this is a key view. At the moment because of our comments above as regards the methodology, it is difficult for us to reach a firm conclusion as to whether this is a key view.</p>
V18	<p>Not dissimilar view to V17.</p> <p>This view needs further justification against the criteria as to why this is a key view. At the moment because of our comments above as regards the methodology, it is difficult for us to reach a firm conclusion as to whether this is a key view.</p>
V19	Panoramic views to the South Downs.

Policy N6: Areas of Locally Valued Landscape and Landscape Study

Wording of the Policy

The policy refers to the Policies Map but does not explain where this can be found. We assume that this relates to Appendix G, but this is not clear within the policy. This should be made clear for the reader.

The final paragraph of the policy refers to the protection of key views, yet the draft NDP already has a separate policy covering this that is identified here. We suggest either amalgamating the two policies or ensuring that N5 and N6 align in what you are seeking to achieve at a minimum. For example, N5 talks to adverse or negative impacts, whilst N6 talks about safeguarding key views 'from detracting by obtrusive or incongruous development'.

The final paragraph also states 'shall be harmonious and minimise the effect of development on the landscape'. Further clarity could be added to this sentence.

Recommendation: Add in where the Policies Map can be found at the first sentence.

Address the 'key views' matter as above in the final paragraph.

Amend the last sentence to 'The details of siting, design, materials and landscaping (including tree and hedge planting) should aim to minimise the impact of development on the landscape'. The word harmonious is not required.

Landscape Study

The chapter numbers have been removed since the Regulation 14 stage, which makes the contents page more difficult to navigate.

The NP Landscape Study identifies five local Landscape Character Areas plus the ridge top village itself (page 19). The proposed character areas recognise the AONB boundary and the broad location of the Pevensy Levels. Somewhere in the study, perhaps in section 3 (Landscape Character Areas within the Parish of Ninfield), it also needs to justify why the Character Area boundaries have been drawn as they are, as this does not correlate with our studies, the previous or the most recent study. We also identified this at the Regulation 14 stage.

The study needs to relate the proposed character areas to those in the 2022 Landscape Character Assessment, which is the most up-to-date evidence base. On page 11, it needs to explain the context of how the character areas relate/ sit within the district level landscape character assessment. At the moment it states 'attempts to fill gaps' but there are no gaps, the study just goes into more detail than the district level assessment and this needs to be explained.

Landscape Value

The NP Landscape Study sets out clearly that there are distinct differences in landscape value in the rest of the Parish (outside of the Pevensy Levels and High Weald AONB), with those areas adjacent to the AONB being of more value than the more southern areas of the parish. This is re-iterated in the supporting text of the plan (paragraphs 75-78). The policy seeks additional protection for those areas adjacent to the High Weald AONB in the Moorhall Stream Valley and the Watermill Stream Valley as a 'transition zone'.

The Low Plateau to the south of Ninfield and the built-up area of the settlement are not identified as a valued landscape in the NP. Of the Low Plateau, the NP Landscape Study concludes (amongst other things) that it has more regular reorganised fields, less wooded areas, greater numbers of sporadic houses and more prominent pylons. The evidence base has set out the reasons for differentiating the landscape value of different areas of the parish at a local level. In seeking to designate LVLDs, Wealden District Council identified that the Parish Council should consider whether the Watermill Stream Valley /Catfield valley is of equal value to the Moorhall Stream Valley. This has not been stated within the plan.

The proposed Locally Valued Landscape Designation (LVLD) boundaries do not entirely map onto the local landscape character area boundaries as set out in the supporting Landscape Study but includes the Moorhall Stream Valley, Wallers Haven Levels and Catsfield / Watermill Stream Valley (except a small area to the south-east of Pipes Wood). At Regulation 14 we suggested that the precise boundaries should be reviewed to ensure they are justified as the plan making process develops. For example, part of the SHELAA site reference 165/3170 has also been included. This SHELAA site is a larger field on a less pronounced slope and it is worth considering if this falls into the wider characterisation of the Watermill Stream Valley as a heavily wood area, with steep sided valley or smaller irregular ancient field. They have not been reviewed between Regulation 14 and 16. Our concerns relate to the application of this policy and whether the inclusion of such large areas of land are justified. The Areas of Locally Valued Landscape cover an extensive area. Is it right that such an extensive area is identified and is it justified on landscape grounds. Ultimately, it will be for the examiner of the NDP to determine if the Areas of Valued Landscape are sufficiently justified as such.

Policy N7 Local Green Spaces and Local Green Space Report

Wording of the Policy

Previously, at the Regulation 14 stage, policy N7 stated that ‘development requiring planning permission will not be permitted unless there are very special circumstances in line with national policy or where the development will enhance and not compromise their primary function as Local Green Spaces’. At the Regulation 14 consultation stage, the Council commented that the policy needed to be more specific as to what national policy it is referring to (e.g. the NPPF policy for greenbelts). However, the Regulation 16 NDP wording still fails to define what the ‘very special circumstances’ are, and this leaves it open to interpretation.

Recommendation

The Council considers that it is necessary to reference paragraph 103 of the NPPF (either in the policy itself or as part of the supporting text) that confirms that policies for managing development within a Local Green Space should be consistent with those of the Green Belt.

General Points

It is noted that some of our previous comments have been taken on board in this version of the plan, notably the omission of Combe Wood and 20 Acre Field as proposed Local Green Spaces. However, the Council still makes the following comments on specific Local Green Space Designations.

No.	Local Green Space	Comments
LG3	Church Wood	<p>The proposed Local Green Space is designated as Ancient Woodland and therefore already has protection through national policy. No additional benefit would be gained from LGS designation.</p> <p>Note: In the analysis, the Church Wood is referred to as a Local Nature Reserve (LNR) but according to our mapping system it is not an LNR or a Local Wildlife Site (LWS) but is Ancient Woodland and a Priority Habitat.</p>
	Church Field and Church Path	<p>The site contributes to the setting of Ninfield and the nearby listed building (the church) and offers wider ranging views across the levels to the South Downs with a PROW network allowing public access. As such, there is an arguable case that the site meets some of the criteria for LGS as set out in para 102(b) of the NPPF.</p> <p>However, the site is also an extensive tract of land and is therefore unlikely to meet the strict definition for a LGS as set out in the NPPF. The site has been refused planning permission for 70 homes under reference (WD/2020/1166/MAJ). National Guidance on LGS note that 'blanket designation of open countryside adjacent to settlements will not be appropriate'. Part of the justification for the designation appears to be based on the threat of possible future housing development. It is important that LGS designations should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.</p> <p>There is little to distinguish the adjacent agricultural fields from the proposed LGS and the site reads as part of a wider landscape rather than a particular self-contained site. The boundaries appear to have been drawn with reference to potential housing site boundary rather than an obvious area of particular local significance. For the reasons outlined, it is not considered to meet the strict definition of a LGS in the NPPF.</p>

No.	Local Green Space	Comments
LG6 a, b and c	Roadside verges	<p>Appear to all be designated for their contribution to biodiversity and natural beauty. The sites are not formally designated as wildlife sites. Therefore, they are not likely to meet the high bar for LGS designations set out in the NPPF.</p> <p>The LGS report needs to be more specific as to why particular verges are worthy of designation. It is considered that some of the verges are of good quality but others have either been altered substantially (due to new development) or are of lower quality and should be removed as they do not meet the high bar for designation.</p> <p>6a- The analysis needs to justify each reason for designation i.e. history is mentioned as a reason within Table 4 of the Local Green Space report but no explanation is given as to why this is a reason for its designation.</p> <p>6b- There may be a case for designating a much smaller area around the junction of Standard Hill and Combe Lane around the vicinity of the seat and post box, as this forms an attractive entrance to the village, but further justification would be required. Again, history is mentioned as a reason within Table 4 of the Local Green Space report, but no explanation is given as to why this is a reason for its designation.</p> <p>6c- The Ingrams Farm development has impacted on the verges in this location and there seems little in this area to merit its designation as an LGS.</p>
LG7	Proposed Recreation Area behind Sparke Garden, Manchester Road	<p>Local Green Space designations will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation.</p> <p>There has been a planning permission for up to 80 (net) dwellings that is largely constructed behind Manchester Road, which sets aside this land as public space. As the land is proposed to be designated as an LGS, it will be difficult to demonstrate it is demonstrably special to the local community for recreation when it has not been used or developed as</p>

No.	Local Green Space	Comments
		<p>open space yet. The land is currently overgrown and there is no public access to this space at this stage.</p> <p>The assessment also states that this space is important to the local community because of its beauty but there is little evidence of this on the ground. It is overgrown with no noticeable biodiversity interest at present. Given the above, it is considered by the Council that it is premature to designate this land as an LGS.</p>

Green Space Report

It should be noted that for table 3 of this document, the original reference of the allotments is incorrect. According to table 1 it should be GS 15.

There is a clear methodology within the document, and it is clear how the potential Local Green Spaces have been identified and where the criteria have come from for the assessment. Whilst we may disagree with some of the sites proposed / outputs from using the methodology, as outlined above, we have no further comment on the methodology itself.

Policy N8: Biodiversity (including Green and Blue Infrastructure or GBI)

No comment. Our comments made at the Regulation 14 stage have been addressed.

Built Character Areas Text- pages 55-57

In our Regulation 14 comments, we stated that large parts of this text can be found in the Design Guide and/or Character Assessment and suggested removing it from the main plan document, adding a link to the other documents, in order to make the plan more succinct. However, this text still remains.

Paragraph 107 lists the proposed character areas but at the end of each description there are proposed suggestions for what would/should be allowed/supported in each area. In our Regulation 14 comments, we suggested moving these to the guidelines within the design guide, with appropriate justification; however they have not been moved.

Policy N9: Built Heritage and Appendix C

Regulation 14 Comments

At the Regulation 14 stage, the Council stated that given all the comments we had made we could not currently agree to the local list as it stood until the Steering Group responded to the points made regarding the criteria used and the process followed and provided a thorough justification of why each building being proposed to put on the list merits inclusion. We would then be able to assess if we were in

agreement with the list. We added that this should happen prior to the Regulation 16 consultation. However, this has not happened.

We also commented that the methodology required further consideration and further work in order for it to be a suitable methodology. Whilst an attempt has been made in paragraph 113 of the plan, it could be clearer as to how buildings were nominated, if there was any community involvement, how the assessment was carried out etc.

Significance

Policy N9 states that: *Proposals involving the non-designated heritage assets listed in this NP shall be assessed having regard to the scale of any harm or loss when balanced against the significance of the heritage asset concerned whether it be an area, building or feature*. It continues: *Development proposals affecting these non-designated heritage assets will be supported if they sustain or enhance their fabric, appearance, character and setting and better reveal their significance*.

The key issue is that the significance of the non-designated heritage assets has not been provided / set out in sufficient depth on each individual basis in Appendix C; therefore, it will be difficult to determine harm, or how the significance can be better revealed. Significance is more than a description of the architectural features of a building. We would like to refer to the HE publication Local Heritage Listing Advice Note.7, and in particular paragraphs 10-12 inclusive, copied for convenience below:

Significance and heritage assets

10 Significance, referred to above, is a guiding principle of heritage-related planning policy, of relevance to all forms of heritage asset across the continuum of designated to non-designated. The NPPF defines it as 'the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic'. It may derive 'not only from a heritage asset's physical presence, but also from its setting'. Conservation is the process of maintaining and managing change to heritage assets in a way that sustains and, where appropriate, enhances their significance.

11 Heritage interests as defined in the PPG can inform the development of the criteria which are important in providing a sound basis for a local heritage list (see Part 2, Section 2, below):

- Archaeological interest: 'There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.'*
- Architectural and artistic interest: 'These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.'*
- Historic interest: 'An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them.'*

Heritage assets with historic interest not only provide a material record of our nation's history but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.'

12 Historic England Advice Note 12: Statements of Heritage Significance gives further information on the assessment of significance in applications for planning permission. The more information that can be provided about the significance of the asset and the reasons for its inclusion on the local list, the more effective its identification as a locally listed heritage asset will be.

Criteria

Appendix C sets out the criteria for the inclusion of buildings and constructed features and it is considered by the Council there are several issues with these criteria as described below:

- Criteria A - Age: it is arguable that all the identified NDHA's should meet this criteria as set out in the Appendix as this is a clear basis for setting out the significance of an identified asset considering its age and rarity. Then consideration of alterations to architectural character could be considered etc.
- Criteria B - Rarity: To be judged against the understanding of the local heritage of the area.
- Criteria C – Aesthetic interest – accepted.
- Criteria D – Group Value: there is a clear issue with this criteria that sets out that assets 'many not be significant on their own'. Group value is looking at a series of identified heritage assets and the criteria would be an addition to potentially A and C set out above, but not something that could be considered on its own as it would arguably allow any building or structure to be added, notwithstanding it has no particular significance itself as an asset.
- Criteria E – Archaeological – accepted.
- Criterion F, G, H and I – suggest combining, but there are alternative means of identifying assets of community value which may be more appropriate than the attempt to include on a list of non-designated heritage assets, especially if criteria A is not met.

The quality threshold for each Criteria is not adequately set out. For example, how would a building meet the threshold for being considered rare?

Paragraph 43 of the HE Advice No. 7 sets out the following: *Regardless of the means by which candidate assets are identified, as a minimum, nominations need to be backed by information of sufficient detail and accuracy to demonstrate that they meet the requirements set by the selection criteria and by national planning policy.*

It is also noted that the criteria are for buildings and constructed features – arguably the inclusion of the granite setts and church path should be included in the understanding of wider landscaping and development of the green spaces in the village covered by other policies and does not neatly fit into the criteria for building or constructed features.

Local Heritage Areas (LHAs)

The Council does not agree fully with the identification of the LHAs. Having had the opportunity to walk through and experience each of the identified areas, we would suggest that, apart from Lower Street and perhaps around the Church, the other LHAs relate more to the Group Value (Criteria D) above, than a specific historic area. There are areas of substantial built environment that are included in the LHAs and not identified as being non-designated heritage assets and this dilutes the appreciation of the heritage and evolution of any LHA and its significance.

Arguably, it may be possible to add the area around Manchester Road and the junction with the main street as a LHA, but this should be restricted to a much smaller area around the junction. There is certainly no appreciation of the character of the High Street/Manchester Road LHA as set out in the Appendix as there are two very distinct sets of building groups – those being along Manchester Road, and those along High Street. Therefore, removal of the LHA and use of the Criteria D for non-designated heritage assets would be more appropriate for the Manchester Road LHA.

Turning to the Church Lane LHA, it is not really appropriate to include the modern development to the southern end – the church, Sunnyside House and School House do have a distinct group value, but there is no coherence in the wider area drawn. The Lower Street LHA is more appreciable as a distinct area of development within Ninfield with a cohesive character and it is agreed that this is an appropriate area to identify, however, there does not appear to be justification for the inclusion of Springfields and White Cottage which do not have visual inclusivity into this area. These comments are notwithstanding any individual buildings/structures identified in the further comments below.

Paragraph 114 of the plan has been added since the Regulation 14 stage and appears to be stating that these LHAs are non-designated heritage assets in their own right (there was previously no reference in the main Plan as to what these areas signified). We consider that this needs to be explained further and justification provided for their designation and for the extent of these areas given our comments above. This paragraph also needs to be expanded to clarify what this designation signifies for an applicant for planning permission. What is the significance of the LHAs? This needs to be clearly explained in detail. For example, Neighbourhood Plans do not have the power to affect permitted development rights, but presumably applicants within these LHA areas will be expected to demonstrate how the proposals sustain and enhance the local distinctiveness of the historic built environment. The policy needs to be clear when it is referring to individual NDHAs or LHAs and what the policy is trying to control? As is currently drafted this has not been achieved and we consider that this must be made clear.

List of buildings and structures

Turning to the specific list of buildings or structures, the majority could meet criteria for non-designated heritage assets, but their significance must be identified – not just a description of their architectural character or aesthetic interest. It is interesting to note that some buildings that would meet criteria A have been dismissed as they do not sit within a group of buildings. There appears to be no consistent application of the criteria, notwithstanding our comments on the contents of the criteria above. If a

building merits inclusion, there is no overall criteria that it should have to be part of a group to be included within the local list.

We have issues with the inclusion of the following buildings/structures and consider that these do not warrant inclusion, based on the evidence provided and the current criteria:

- Blacksmith's Inn – this does not meet the main criteria A, B and C above.
- Springfields – lacks architectural interest and merit through considerable alteration.
- Sadlers – has been considerably altered which has affected its architectural interest.
- White Cottage – unclear how this meets the criteria.
- The Forge - has been considerably altered which has affected its architectural interest.
- London House - has been considerably altered which has affected its architectural interest.

More work will be required to justify the Memorial Hall against the criteria.

The following buildings have either been dismissed or not identified in the Appendix. Should these have been assessed using a consistent approach and against a revised criteria, they may have been included within the plan.

- Merlin Cottage and Bloemfontain
- Stocks House
- Three Winds & Fairfield
- Windy Ridge
- Sussex Barn
- Tudor Court
- Staplehurst
- Brook Cottage
- Little Cottage
- Holly Cottage
- Russell Cottage
- Red House
- Belton Cottages
- Tanyard Cottage
- North Cottage
- The Bungalow
- Whitehouse Farm
- Avalon
- Marlpits Lodge 1& 2 Stone Cottages
- The Old Stables at Church Barn Farm
- Lisheen

Mapping

From using the map for our site visits, we note that the map of each LHA is quite small and difficult to read. Only the Local Heritage Areas are shown on the maps which means that a large number of the proposed non designated heritage assets (those outside the LHAs) are not shown. We would expect to see a map or a series of maps showing the whole parish with all the identified NDHAs identified on a map within the submission document – not just those within the LHAs.

Village Character Assessment and Heritage.

Since the Regulation 14 consultation, an introduction has been added which has addressed some of our concerns but not all. It is considered by the Council that it still does not identify what the purpose of the assessment is or what are the benefits of having one.

We previously suggested that after the analysis of the character areas, there could be a section on what can be drawn out of the assessment and how these feed into the design guide and policies, thus linking the different documents together. However, this has not taken place. As a result, whilst this is a detailed document, its purpose is unclear, and it could do more to support the plan as well as aid decision making.

Policy N10: Design

Wording of the policy

Criteria a) The policy seeks to refer to and cover Key Views (Policy N5) when there is a separate views policy in the plan. Policy requirements for clear views should be consistent and clear and preferably set out in one policy not several.

Criteria e) This part of the policy is not strictly necessary as this just covers all other policies in the Neighbourhood Plan. The plan would be read as a 'whole'.

It is noted that this policy gives little scope for contemporary architecture.

Recommendation:

Criteria a) Remove the second sentence.

Criteria e) Remove the criteria in its entirety.

Housing Growth Context

Paragraph 122, bullet point 2 states that:

'There is housebuilding land already committed in Ninfield Parish to last until 2040 based on a simple 'pro-rata' apportionment of the 'standard methodology' figures'.

The Council has to consider the district as a whole and consider other constraints in all our settlements. The growth strategy in the Local Plan is determined by a number of factors e.g. sustainability, AONB, Ashdown Forest, Pevensey Levels Flood Risk, infrastructure etc. as well as land availability. Some settlements have very limited

opportunities for growth. Growth will not be evenly spread across the district or distributed to parishes on a proportionate basis.

Also, you refer to a current housing need figure being 1,212 dpa. As discussed above, the current housing needs figure is now 1,200 dpa.

Housing in the Countryside

Paragraph 130 states that:

'It was a cornerstone of planning policy in this country from its inception in 1947 that the countryside should be protected for its own sake'.

This needs further clarification. There is a presumption against development in certain circumstances that conflict with designations or constraints (see paragraph 11, footnote 7 of the NPPF), but not all development.

Policy N11- Housing Mix and Space Standards

Wording of the policy

As stated at the Regulation 14 Consultation, it would be helpful to have a table that followed the exact housing mix reported in the district Council's LHNA, rather than combining totals for either smaller or larger dwellings, in order to be clear on the exact percentage the Neighbourhood Plan requires. A degree of flexibility has been added to this policy following our Regulation 14 comments. We suggested that the policy outline potential reasons why this housing mix might not be met by applicants (e.g. site characteristics, topography, character of the area etc). This has been added, but it is not clear what the second part of the sentence refers to 'and to the evidence of need current at the time of the proposal taking account of the local mix and turnover of properties'. The Council considers the LHNA to be the most up to date evidence of need.

We previously commented on the sentence 'all new residential development should meet the Government nationally described space standards.' There is no evidence on this for Ninfield Parish in terms of either viability, or examples of schemes that have not met the nationally described space standards in the parish.

Recommendation: Finish the second paragraph of the policy after the term 'surroundings.'

Adjust the terminology on space standards from 'should' to 'support'. The Council is working on a policy of this nature in its emerging Local Plan, so this evidence will be gathered on a district basis.

Policy N12- Communications

No comment.

Policy N13- Local Employment

Wording of the Policy

The Council previously commented at the Regulation 14 stage that there is a specific omission on this policy in that it does not talk to 'new' employment uses within Ninfield Village, but rather just the retention of business/commercial land uses. In principle, the existing statutory development plan would support new commercial floorspace within the existing development boundary (subject to other policies in the Development Plan), and potentially outside the development boundary in exceptional cases (i.e. as part of an existing commercial/industrial estate). The Neighbourhood Plan remains silent on new employment sites.

In terms of sui generis employment generating uses, the first part of the policy only includes fuel stations and public houses/drinking establishments. It is not clear why these particular sui generis uses have been singled out. Should other sui generis employment generating uses also be included within the policy (i.e. car sales, takeaways, car repair garages etc.)? Overall, Sui generis uses cover a wide range of different uses. In our view, there is a query whether sui generis uses should be included within the policy based on the evidence we have in the Employment and Economic Study which considers only B2, B8 and E(G) and the 'use' coverage of sui generis in general.

The second part of the policy states that: 'The loss of existing premises in employment related use will not be supported...'. This does not confirm the type of employment use that would be retained.

Recommendation: At present, the second part of this policy does not define 'employment related use' and reads as all employment uses should be retained (i.e. B2, B8, E and Sui Generis). We are not convinced that sui generis uses should be included in this retention policy as per our comments above and there is limited evidence for this. It may result in unintended consequences by its inclusion in the policy. Our own evidence for justification of retaining employment uses can be used (see the [Employment and Economic Study – Eastbourne and Wealden 2022](#)), given the substantial demand for it in the wider district, but this only relates to light industrial/offices (Use Class E (G)), general industrial (Use Class B2) and Distribution/Warehousing (Use Class B8), not Sui Generis uses.

Policy N14- Sustainable Rural Business

Wording of the policy

The supporting text does not explain what a sustainable rural business is. It does not explain what use classes are covered by the term 'rural business' or 'other countryside-based business' and is open to interpretation. This also applies in criteria a of the policy where it states 'promotes recreation in the countryside' but gives no definition of what this includes.

Criteria b- this part of the policy still does not explain what buildings are appropriate for conversion. Since the Regulation 14 stage, there has been an addition which states 'both in terms of location and construction' but this does not explain what location is suitable or what construction is suitable for conversion. Almost all buildings are capable of conversion subject to cost/viability.

Recommendation: The supporting text needs to explain what a sustainable rural business is and perhaps give examples. The terms 'rural business', 'other countryside-based business', 'location' and 'construction' used in the policy need to be defined either within the policy or the supporting text to ensure that this policy can be applied correctly.

Policy N15- Infrastructure

Wording of the policy

As we stated at the Regulation 14 consultation, the list of infrastructure projects in this policy serves no purpose. The neighbourhood plan will have no direct control over the provision of these. Although these could form a community aspiration that could be set out separately in the plan.

The second sentence should define the level and scale of development where this is required (i.e. major development). It is considered unreasonable to expect this on smaller sites.

Recommendation: Consider moving the list of infrastructure projects to the list of community aspirations.

Change the term 'new development' to 'new major development' in the second sentence of the policy.

Policy N16- Community Facilities

Wording of the policy

We suggested at the Regulation 14 stage that the first paragraph only needs to identify those buildings identified as community facilities as the second paragraph lists the circumstances as to when a loss (which presumably includes a change of use) will be supported.

Recommendation: Clarification is needed in the supporting text as to how these community facilities have been identified.

The first paragraph is altered to just identify the community facilities.

Consideration should be given to condensing this policy.

Policy N17- Safer and More Sustainable Travel

Paragraph 190-191- there may be scope for the works, but very little budget. Replacing stiles with gates and gaps is now national policy. Permissive paths are aspirational but difficult to achieve.

Wording of the Policy

Criteria 4: The law only requires for us to consider existing rights of way. New routes are aspirational.

Recommendation: Consider moving point 4 to community aspirations as it covers work across the parish, rather than just a particular site.

Policy N18- Parking

No comment

Delivery Plan

Paragraph 220- The figure of 25% is missing from the start of the paragraph.

Appendix D

There is some duplication between this list and the community aspirations. It needs to be clarified what the difference is between the two lists.